

## **REMARKS**

Claims 1-16, and 28-32 are now pending in this application. Applicant gratefully acknowledges Examiner's statement that claims 1-15 contain allowable subject matter and respectfully points out that this incorrectly reflected in the Office Action Summary which indicates that claims 1-16 and 23-27 stand rejected.

Claims 17-27 have been cancelled without prejudice. New claims 28-32 have been added. Claims 28-32 are directed to food products, non-food products, and grains. These claims track canceled claims 23-27 and are directed to the product prepared by the canceled use claims. Support for claims 28-32 can be found in the specification as filed, for example on pages 5-6 and in claims 23-27 as filed. The addition of these claims does not add new matter.

### **Finality of Office Action**

Applicant respectfully asserts that the amendments submitted in Response and Amendment received by the Patent and Trademark Office on September 27, 2003 did not result in the new rejections set forth in this paper. Claim 16 was unchanged from the prior Response and claims 23-27 were only amended to correct for grammatical errors. The Examiner could have issued the rejections found in this paper against Claims 16 and 23-27 as they stood in the prior to the last Office Action. Therefore, Applicant requests reconsideration of the finality of the November 28, 2003 office action.

### **35 U.S.C. §112, second paragraph**

#### **Claim 16**

The Examiner rejected claim 16 under 35 U.S.C. §112, second paragraph, for being an omnibus type claim. Applicant has amended claim 16 to remove the phrase "as hereinbefore defined". Applicant asserts that amended claim 16 is in compliance with 35 U.S.C. §112, second paragraph.

### **Claims 23-27**

The Examiner rejected claims 23-27 under 35 U.S.C. §112, second paragraph , as being indefinite. Applicant has canceled claims 23-27 and has added new claims 28-32. New claims 28-29 claim food products comprising a modified glutenin or seed storage protein as recited in claim 11. New claims 30-31 claim non-food products comprising a modified glutenin or seed storage protein as recited in claim 11. New claim 32 claims a grain, or part of a grain, comprising a modified glutenin or seed storage protein as recited in claim 11. Thus, the new claims incorporate the subject matter of claims 23-27 but present the subject matter in an acceptable claim format.

Applicant asserts that new claims 28-32 comply with 35 U.S.C. §112, second paragraph because they particularly point out and distinctly claim the subject matter which the Applicant regards as the invention.

### **35 U.S.C. §101**

The Examiner rejected claims 23-27 for improper claim format. Claims 23-27 have been cancelled, thus removing the rejection.

### **CONCLUSION**

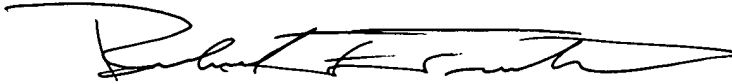
Applicant respectfully requests that the present amendments be entered and submits that the claims are now in condition for allowance. An early notification of such is requested.

The Examiner is invited to call the undersigned attorney for discussion of any outstanding issues.

Respectfully submitted,

DORSEY & WHITNEY LLP

Date March 1, 2004



Richard F. Trecartin, Reg. No. 31,801

Four Embarcadero Center, Suite 3400  
San Francisco, California 94111-4187  
Telephone: (415) 781-1989

*Filed Under 37 CFR § 1.34(a)*

Customer No. 32940

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